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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,262	04/26/2006	Richard Earl Jones	PU030299	4798

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Thomson Licensing LLC  
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EXAMINER
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TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,262	<b>Applicant(s)</b> JONES, RICHARD EARL	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al. (US 6,813,281) in view of Murase et al. (US 6,611,655).

**Regarding claims 1 and 13**, Moon et al. teaches a method comprising the steps of: receiving audio components of a signal (col.3 , lines 46-54 teaches of a recorder that is able to record/reproduce a broadcast video signal); enabling recording of a first audio component of said signal as a mono audio component and recording a second audio component of said signal as a second mono audio component if it is determined that the signal includes the second audio component (Fig. 3, last example and col. 3, lines 46-54 teaches of recording a first CH0 data and a second CH1 data as separate mono streams. In order for the system to be able to record the audio data as two separate streams it has to detect the existence of two separate streams); and

However, Moon et al. fails to particularly teach the step of enabling recording of said first audio component as stereo audio components when only said first audio

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component is contained in said signal and it is determined that the first audio component was received as a stereo left and right audio components.

Murase et al. teaches in claim 2, col. 5, lines 27-49 and col. 6, lines 1-21 of the ability to detect whether an AV stream includes an audio stream that is of “stereo audio data having a first audio channel data and second audio channel data, which are simultaneously reproduced”. The AV stream is further recorded onto the optical recording medium. Murase et al. discloses an example in which the steps are explicitly described, however, it should be noted that this step of determining the existence of a stereo left and right channels are standard in the industry for merely recording a Stereo audio signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to detect the existence of a stereo left and right and to record an audio component as a stereo audio component as taught by Murase et al. into the system of Moon et al. so that a user can listen to two separate channels that correlate to each other in the same timeline.

**Regarding claim 2**, Moon et al. teaches the claimed wherein said first audio component comprises a primary audio component of a video program content (col. 1, lines 31-37 and col. 3, lines 32-37 teaches of broadcasting video with several audio components).

**Regarding claim 3**, Moon et al. teaches the claimed wherein said second audio component comprises a secondary audio program content (col. 1, lines 31-37 and col. 3, lines 32-37 teaches of broadcasting video with several audio components).

**Regarding claim 4**, Moon et al. teaches the claimed wherein further comprising the step of enabling recording of said first audio component as a mono audio component when only said first audio component is contained in said signal, said first audio component being a mono audio component (As similarly discussed in claim 1 above, Fig. 3 teaches of 1ch DATA being recorded as a mono audio stream).

**Regarding claim 5**, Moon et al. teaches the claimed wherein when each of said first and said second audio components are recorded, they are recorded as encoded mono audio streams (col. 3 ,lines 46-64 teaches that the first and second audio components are encoded and recorded as CH0 and CH1 audio data).

**Regarding claim 6**, Moon et al. teaches the claimed wherein when only said first audio component is available from said signal, said first audio component is then recorded as a mono encoded stereo stream (As similarly discussed in claim 1 above, Fig. 3 teaches of 1ch DATA being recorded as a mono audio stream).

**Apparatus claims 7-12** are rejected for the same reasons as discussed above in method claims 1-6, respectively.

**Method claim 14** is rejected for the same reasons as discussed in claim 4 above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621